IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.17299 of 2000

Between:

Perumalla Rama Rao, S/o Venkataramaiah,
R/o D.No.22-11-218, Rotelveedi, Lalapeta, Guntur-1.

..... PETITIONER

AND

1 The Station House Officer, Tallada Police Station, Madhira,

Khammam District.

2 Korlagunta Mallikharjuna Rao, S/o Surayya,
R/o Muddunuru Village, Tallada Mandal,
Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction more particularly in the nature of Writ of Certiorari quashing the First Information Report in Crime No.22 of 2000 on the file of 1st Respondent police station.

Counsel for the Petitioner: MR.VENKATESWARLU POSANI

Counsel for the Respondent No.1: GP FOR HOME

Counsel for the Respondent No.2: None appeared

The Court made the following:

ORDER:

The second respondent herein lodged a complaint with P.S. Thallada in Khammam District alleging that the petitioner having purchased cotton worth about Rs.8,00,000/- from the second respondent and other villagers of Rangapuram, failed to pay the entire amount and that petitioner is still due a sum of Rs.2,60,000/- to the second respondent and others. The said complaint was registered as Crime No.22 of 2000 under Section 420 of Indian Penal Code, 1860 (IPC). In this writ petition, the petitioner who is the accused No.2 seeks to quash the said criminal case.

A reading of the First Information Report does not disclose any ingredient of offence of cheating as defined under Section 419 of IPC. The entire transaction between the petitioner and second respondent, even if it is correct and failure on the part of the petitioner to pay the balance sale consideration for cotton, does not amount to cheating.

In **Y.Lawrence v. State of A.P.** this Court considered a similar case and placing reliance on **A.L.Panian Shanmugam v. State of A.P.** quashed the complaint. The facts giving rise to the above case are similar to the facts of the present case.

The F.I.R. does not disclose any offence and therefore, the investigation is allowed further, the same would result in miscarriage of justice.

The writ petition, for the above reasons, is allowed and the Crime No.22 of 2000 of P.S.Thallada, Khammam District is, accordingly, quashed. There shall be no order as to costs.

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July 19, 2005. (**V.V.S.RAO,J**)

YS

To

1 The Station House Officer, Tallada Police Station, Madhira,

Khammam District.

2 Two CCs to the Government Pleader for Home,

High Court Buildings, Hyderabad. (OUT)

3 Two C.D. Copies.